

FORM PCT 1390
REV. 5/93

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NO.
FERRER ET AL-1 PCTTRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)

10/575505INTERNATIONAL APPLICATION NO.
PCT/EP2004/052492INTERNATIONAL FILING DATE
11 OCTOBER 2004PRIORITY DATE CLAIMED
13 OCTOBER 2003

TITLE OF INVENTION

TRANSGENIC ORGANISMS WITH LOWER GROWTH TEMPERATURE

APPLICANT(S) FOR DO/EO/US

Manuel FERRER ET AL.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371 (f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(I).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☒ is transmitted herewith (required only if not transmitted by the International Bureau)
 - b. ☐ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has **NOT** expired.
 - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern other document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment.
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information: **Sequence Listing Statement, Paper Copy of Sequence Listing, Sequence Listing Diskette, 15 sheets of drawings, International Preliminary Report on Patentability**

APPLICATION NO. (if known, see 37 CFR 1.5)

10/575505

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PCT/EP2004/052492

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PCT

☒ The following fees are submitted:

Basic National Fee (37 CFR 1.492(a)(1)-(5)):

Search Report has been prepared by the EPO or JPO.....\$300.00

National Stage Search Fee.....\$500.00

National Stage Examination Fee.....\$200.00

International preliminary examination fee paid to USPTO (37 CFR 1.482).....\$750.00

Neither international preliminary examination fee paid (37 CFR 1.82) nor

international search fee (37 CFR 1.445(a)(2)) paid to USPTO.....\$1,110.00

International preliminary examination fee paid to USPTO (37 CFR 1.482)

and all claims satisfied provisions of PCT Article 33(2)-(4).....\$100.00

ENTER APPROPRIATE BASIC FEE AMOUNT =

\$ 1,000.00

CALCULATIONS

PTO USE ONLY

Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing in an electronic medium). The fee is \$250.00 for each additional 50 sheets of paper or fraction thereof.

TOTAL SHEETS

EXTRA
SHEETS

Number of each additional 50 or fraction
thereof (round up to a whole number)

RATE

- 100 =

/50 =

x \$250.00

\$

Surcharge of \$130.00 for furnishing the oath or declaration later than ____ 20 ____ 30
months from the earliest claimed priority date (37 CFR 1.492(e)).

Claims

Number Filed

Number Extra

Rate

Total Claims

10 - 20 =

- 0 -

X \$50.00

\$

Independent Claims

2 - 3 =

- 0 -

X \$200.00

\$

Multiple dependent claim(s) (if applicable)

+ \$360.00

\$

TOTAL OF ABOVE CALCULATIONS =

\$ 1,000.00

Reduction by 1/2 for Small Entity status.

\$

SUBTOTAL =

\$

Processing fee of \$130.00 for furnishing the English translation later than ____ 20 ____ 30
months from the earliest claimed priority date (37 CFR 1.492(f)).

\$

TOTAL NATIONAL FEE =

\$ 1,000.00

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be
accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +

TOTAL FEES ENCLOSED =

\$ 1,000.00

Amount to be: refunded

\$

charged

\$

Applicant claims Small Entity status.

a. ☒ A check in the amount of \$ 1,000.00 to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. 03-2468 in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 03-2468. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:
COLLARD & ROE, P.C. (Customer No. 25889)
1077 Northern Boulevard
Roslyn, New York 11576-1696
(516) 365-9802

Signature

Frederick J. Dorchak
Reg. No. 29,298

EXPRESS MAIL NO. EV 857 475 093 US

Date of Deposit: April 13, 2006

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10, on the date indicated above, and is addressed to Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Kelly Espitia